2007 DRAFTING REQUEST

Assembly Amendment (AA-AB224)

FE Sent For:

Received: 05/07/2007 Wanted: Today For: Donald Pridemore (608) 267-2367 This file may be shown to any legislator: NO May Contact:				Received By: gmalaise Identical to LRB:					
								By/Representing: Waylon Hurlburt Drafter: gmalaise	
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Health care v	worker immunity from liability; disclosure of patien	nt health care records			
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Typed

Malaise, Gordon

From:

Hurlburt, Waylon

Sent:

Monday, May 07, 2007 12:00 PM

To:

Malaise, Gordon

Subject:

Amendment to Assembly Bill 224

Attachments:

AB 224- Suggested Ammendment.doc



AB 224- Suggested Ammendment.d...

Hello Gordon,

We were looking to add the language of §146.997 (5m) (a) 4 that is at the bottom of the attachment. Call with any questions. The hearing is Wednesday morning and is why we need such a quick turnaround. Thanks for all the help.

Waylon Hurlburt
Legislative Aide
Office of Representative Pridemore
99th Assembly District
Room 318 North, State Capitol
Madison, WI 53708-8953
Phone: (608) 267-2367
Toll Free: (888) 534-0099

Jim Doyle Governor

E.

WISCONSIN DEPARTMENT OF REGULATION & LICENSING

Celia M. Jackson Secretary



1400 E Washington Ave PO Box 8935 Madison WI 53708-8935

Email: web@drl.state.wi.us Voice: 608-266-2112 FAX: 608-267-0644 TTY: 608-267-2416

TO:

Representative Don Pridemore

FROM:

Larry J. Martin, Executive Assistant

Michael Berndt, Division of Enforcement Dennis Schuh, Office of Legal Counsel

RE:

Consideration of an Amendment to AB 224

DATE:

May 4, 2007

Thank you for giving us an opportunity to meet with you on Monday, May 7th regarding consideration of an Amendment to Assembly Bill 224. The Department of Regulation and Licensing (DRL) is interested in exploring with you additional language in the bill that would address a concern that has existed in our Division of Enforcement (DOE) for some time over patient identifying information and the current inability for complainants to share this information with our Department.

The provisions of §146.997 (5m) (1) allow the disclosure of some information but does not authorize the disclosure of health care provider/patient privileged information. Such information includes the identity of the patient and the specific disorder being treated. The net effect for DOE/DRL is that we receive complaints that inform us that a credential holder is engaging in unethical behavior or conduct below professional standards of care but we cannot receive the identity of the patient without the patient's consent. The DOE/DRL can obtain records from the credential holder, even without the consent of the patient under § 146.82(2), but we frequently have difficulty identifying the one patient in which the complaint is about.

A simple amendment to AB 224 would address this issue. Here is a rough draft of a suggested amendment:

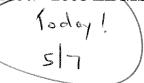
§146.997 (5m) (a) 4.

Reports to an agency that has authority to investigate and take action against health care providers or health care facilities for the type of conduct complained of, consisting of any information including healthcare provider/patient privileged information and records otherwise covered by §146.82(1), relating to an allegation that another healthcare provider, healthcare facility, or employee of a health care provider or health care facility has committed a violation specified in sub (2) (a) 1. or 2., has engaged in unprofessional conduct or has acted negligently in treating a patient. The recipient of any information under this paragraph shall keep the information confidential and may not disclose identifying information or other records covered by §146.82(1) about the patient whose identity or records are released.

We greatly appreciate your willingness to take time to consider our request and look forward to our meeting with you and your staff on Monday!



State of Misconsin 2007-2008 LEGISLATURE





ASSEMBLY AMENDMENT, TO 2007 ASSEMBLY BILL 224

At the locations indicated, amend the bill as follows:

1. Page 3, line 13: after "patient." insert "Notwithstanding s. 146.82 (1), a health care provider, health care facility, or employee of a health care provider or health care facility reporting as described in this subdivision to an agency specified in sub. (2) (a) (intro.) that has the authority to investigate and take action against a health care provider, health care facility, or employee of a health care provider or health care facility for the type of conduct reported may disclose to that agency patient health care records, as defined in s. 146.81(4), that are relevant to the alleged violation, unprofessional conduct, or negligent act reported. Unless authorized by a court of record, an agency receiving information from patient health care records shall keep the information confidential and may not disclose identifying information about a patient whose patient health care records are disclosed.".

(10)